

Changes to legislation: Wildlife and Countryside Act 1981, Part 3 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 9B

INVASIVE ALIEN SPECIES: DEFENCES AND LICENCES

Textual Amendments

- F1** Sch. 9B inserted (1.11.2019) (S.) by [The Conservation \(Natural Habitats, c.\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2019 \(S.S.I. 2019/364\)](#), regs. 1(2), **2(8)**

PART 3

LICENCES

Restrictions

5. (1) The appropriate authority must not grant a licence under section 16(4)(c) permitting an activity which contravenes one of the following paragraphs of Article 7(1) of the Invasive Alien Species Regulation unless any of paragraphs 6 to 9 apply—
- (a) paragraph (b) (keeping, including in contained holding),
 - (b) paragraph (c) (breeding, including in contained holding),
 - (c) paragraph (d) (transporting to, from or within [^{F2}Scotland], except for the transportation of species to facilities in the context of eradication),
 - (d) paragraph (f) (using or exchanging),
 - (e) paragraph (g) (permitting to reproduce, growing or cultivating, including in contained holding).
- (2) The appropriate authority must not grant a licence under section 16(4)(c) permitting an activity which contravenes one of the following paragraphs of that Article unless paragraph 8 or 9 applies—
- (a) paragraph (e) (placing on the market),
 - (b) paragraph (h) (releasing into the environment).

Textual Amendments

- F2** Word in Sch. 9B para. 5(1)(c) substituted (31.12.2020) by [The Invasive Non-native Species \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/473\)](#), regs. 1(1), **10(7)**

Research etc.

- 6 This paragraph applies if the licence—
- (a) is granted to an establishment,
 - (b) permits an activity to be done in the course of—

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- (i) research on an invasive alien species,
 - (ii) ex-situ conservation of an invasive alien species,
 - (iii) scientific production, and subsequent medicinal use of, a product derived from an invasive alien species where its use is necessary for the advancement of human health, or
 - (iv) in exceptional circumstances, such other activities as are justified for reasons of compelling public interest, including those of a social or economic nature, in accordance with Article 9 of the Invasive Alien Species Regulation, and
- (c) is subject to the conditions specified in Article 8(2) and (3) of that Regulation.

Keeping animals until the end of their natural lives

- 7 This paragraph applies if—
- (a) the licence is granted for the purpose of the keeping of an animal by a facility (including any necessary ancillary activities such as transportation) until the end of its natural life in accordance with Article 31(4) of the Invasive Alien Species Regulation, and
 - (b) the appropriate authority is satisfied that all appropriate controls are in place to ensure that reproduction or escape of the animal is not possible.

Eradication measures

- 8 This paragraph applies if the licence is—
- (a) granted for the purpose of implementation of an eradication measure pursuant to Article 17 of the Invasive Alien Species Regulation, and
 - (b) subject to such conditions as are, in the opinion of the appropriate authority, necessary to meet the aim of ensuring that the eradication measure to which the licence relates will be effective in achieving the complete and permanent removal of the population of the invasive alien species concerned.

Management measures

- 9 (1) This paragraph applies if the licence is granted for the purpose of implementation of a management measure pursuant to Article 19 of the Invasive Alien Species Regulation.
- (2) But, where the licence is granted for the purpose of the commercial use, on a temporary basis, of an invasive alien species as part of such a management measure pursuant to Article 19(2) of that Regulation, this paragraph applies only if the appropriate authority is satisfied that—
- (a) there is strict justification for that use, and
 - (b) all appropriate controls are in place to avoid any further spread of the species concerned.]

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 53(3)(c)(ia) inserted by [2015 c. 20 Sch. 7 para. 2\(b\)](#)
- s. 53B(4A)(4B) inserted by [2015 c. 20 Sch. 7 para. 4](#)
- s. 53ZA inserted by [2015 c. 20 Sch. 7 para. 3](#)
- s. 54B54C inserted by [2015 c. 20 Sch. 7 para. 5](#)
- Sch. 13A inserted by [2015 c. 20 Sch. 7 para. 6](#)
- Sch. 14A inserted by [2015 c. 20 Sch. 7 para. 7](#)